

EXPLANATORY MEMORANDUM TO
THE APPOINTMENTS COMMISSION REGULATIONS 2006

2006. No. 2380

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty
2. **Description**
 - 2.1 The purpose of the Statutory Instrument is to make provision concerning the membership and functions of the Appointments Commission, which is established under section 56 of the Health Act 2006.
3. **Matters of special interest to the Joint Committee on Statutory Instruments.**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Part 5 of the Health Act 2006 makes provision for the establishment of a body corporate to be known as the Appointments Commission. The new body is to replace the Special Health Authority known as the NHS Appointments Commission. Schedule 4 to the Act makes further provision relating to the status, constitution, membership, procedure and financing of the new Appointments Commission. These Regulations are the first Regulations to be made under powers conferred by section 65 of, and Schedule 4 to, the Act.
5. **Extent**
 - 5.1 These Regulations apply to the United Kingdom.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy Background**
 - 7.1 The Public Administration Select Committee Report of 2003 “Government by Appointment” recognised the work of the NHS Appointments Commission, and indicated that other Government Departments could benefit from its skills and expertise. It recommended that the Government make available independent, professional and transparent processes of appointments across Government Departments.

- 7.2 The Department of Health's own review of its Arms Length Bodies in 2004 also recommended that primary legislation should be pursued to allow the NHS Appointments Commission to take on additional functions relating to chair and non-executive appointments on behalf of other Government Ministers.
- 7.3 The provisions in the Health Act 2006 are therefore a direct response to these recommendations.
- 7.4 The proposals were subject to consultation through the wider consultation processes supporting the review of the Department of Health's Arms Length Bodies, as well as through the wider consultation processes that supported the Health Bill.
- 7.5 The Regulations have been prepared in consultation with the current NHS Appointments Commission, the Office of the Commissioner for Public Appointments and the Devolved Administrations.

8. **Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. There are no cost implications for the public sector.

9. **Contact**

- 9.1 Stuart Griffiths at the Department of Health, tel 0113 254 5814 or e-mail Stuart.Griffiths@dh.gsi.gov.uk.